

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE JULY 12, 2012 REGULAR MEETING**

The City of Madison Adjustments and Appeals Board held their regularly scheduled monthly meeting on July 12, 2012 at 5:30 p.m. in the City Council Chambers located in Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. In the absence of Chairperson Betty Fletcher, Vice Chair Dr. John Horch called the meeting to order at 5:30 pm. Attendance was as follows:

Betty Fletcher, Chairperson	Absent
Mary Hudson	Absent
Fredrick Davey	Present
John Horch	Present
Ted Whitney	Present
Supernumeraries	
Tim Malueg	Absent
Christopher Lindsey	Present

City Staff Present: Amy Bell, Director, Community Development and Planning; Kelly Butler, City Attorney; Johnny Blizzard, Chief Planner and Sherri Blair, Zoning Administrator and Board Secretary

Public Attendees (as registered): George Jones; Mike Weesner; Michael Wadley; Jessica Wadley; Dr. Pat Edwards; Charles T. Erwin; Mark Harris; Terry L. Duboise; Jim Sturdivant; Juli Gerrits; Cecile A. Pfeiffer; Peter Flanner; Pat Flanner; Bert Breland; John Burnett; Andrea Rasely; Stephen Brooks; Gerald Clark; Susan Thome; Hyon C. Buckner; Charles Sunwoo; Ron Wicks and _____ Chamberlain.

Dr. Horch read aloud: This Board is composed of five persons (with two supernumeraries), is empowered by the Alabama State Legislature, but appointed by the City Council, and charged with hearing petitions for relief from a literal and strict application of the Zoning Code. Cases are heard in the order in which they are filed. Motions are made in the positive and each case requires a positive vote of at least four members. (A simple majority will not approve an action). The burden of proof for Variances and Special Exceptions rests with the petitioner. Any party aggrieved by any decision of this Board may, within fifteen days, file a written notice of appeal to the Circuit Court.

Dr. Horch invited Supernumerary Christopher Lindsey to join the panel as a voting member.

Approval of Minutes

The first order of business was the approval of minutes from the June 7, 2012 Regular Meeting. Dr. Horch asked board members for requested changes and/or corrections, if any. Board members requested no changes and/or corrections and Dr. Horch stated the minutes would be approved as written.

Petitions and Formal Requests for Action

1. **Case #1079** – (Tabled at June 7 meeting) A Variance to Section 4-2-3 of the City of Madison Zoning Ordinance, to decrease the side yard setback from fifteen (15) feet to ten (10) feet for lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18 and 19, Shiloh Run Subdivision. The property is currently zoned Low Density Residential District (R-1B). This request is in accordance with Section 10-8 of the Zoning Ordinance;

George Jones presented the request stating that there were two separate zonings for the 34 lots in the subdivision. Planning Commission has approved their request to rezone the subdivision to R-2. The only lot needing the variance is lot 2 so that construction can begin on a house in order to be ready for the Parade of Homes.

Motion: Mr. Whitney moved to approve case number 1079, a Variance to Section 4-2-3 of the City of Madison Zoning Ordinance, to decrease the side yard setback from fifteen (15) feet to ten (10) feet for lot 2 Shiloh Run. The property is currently zoned Low Density Residential District. Dr. Horch seconded the motion and the vote was as follows:

Fredrick Davey	Nay
John Horch	Aye
Ted Whitney	Nay
Christopher Lindsey	Nay

Motion Failed.

Dr. Horch announced that since there were only four (4) board members in attendance, a unanimous vote would be required for approval. Each applicant had the option to wait until five or more members are in attendance to present their case. None of the applicants chose to wait until a later time.

2. **Case # 1081** - 293 Mill Road - A Special Exception to Section 4-1-1 (4-4-2) of the City of Madison Zoning Ordinance, to allow churches and similar places of worship. The property is currently zoned Multi-Family Residential District (R-4). This request is in accordance with Section 10-8 of the Zoning Ordinance.

Bert Breland, First Baptist Church Madison, introduced the applicants and stated it was their desire to purchase subject the property to be used for worship services. The applicant stated they would improve the parking lot. She stated that a site plan has not yet been drawn and that they would only use it for Bible study and won't have any noise or traffic. Mr. Lindsey asked if there was a plan to make improvements immediately to which applicant stated only to the parking lot and interior renovations.

Public Comment: Pat Edwards, who lives next door to the subject property, voiced concerns over the lack of a site plan; the traffic that would enter and exit from the lot and her opinion that a residential neighborhood should stay residential. She also questioned the term "similar places of worship".

Terry Duboise, owner of the property to the north, stated that he is in favor of a church locating there.

Charles Erwin expressed concerns about a sign being located on the site and being a visibility problem.

Chief Planner Johnny Blizzard explained the requirements for sign placement.

Planning Director Amy Bell presented the staff report and stated that approval of the variance only meant that members approved the *use*. Building and zoning codes would still have to be met regarding site ingress/egress, ADA requirements and any other requirements already in place. She further stated that if the board should approve the request, staff recommends the following requirements, which would be in addition to the zoning/building requirements already in place that she previously mentioned:

- 1) Ingress/egress drives should be located the greatest distance away from the intersection of Mill Road and Sullivan Street or as directed by the Director of Engineering;
- 2) A landscape buffer of not less than twenty (20) feet along the east and north property lines with plantings of a size and type to produce a screening effect of eighty (80) percent opacity within one year;
- 3) Any ground signs be masonry, monument- styles signs with a maximum height of six (6) feet.

Motion: Mr. Davey moved to approve case number 1081, 293 Mill Road, a Special Exception to Section 4-1-1 (4-4-2) of the City of Madison Zoning Ordinance, to allow churches and similar places of worship. The property is currently zoned Multi-Family Residential District (R-4). This request is in accordance with Section 10-8 of the Zoning Ordinance, contingent on the addition of items 1-3 of the staff report as presented by Director Bell. Mr. Lindsey seconded the motion and the vote was as follows:

Fredrick Davey	Aye
John Horch	Aye
Ted Whitney	Aye
Christopher Lindsey	Aye

Motion Carried.

3. **Case # 1082** – 170 Bluebelle Drive - A Variance to section 14-1-1(B)(D) of the City of Madison Zoning Ordinance, to allow a sign, advertising or display on a single family lot for the purpose of advertising a home based business. The property is currently zoned Medium Density Residential District (R-2). This request is in accordance with Section 10-9 of the Zoning Ordinance.

Applicant was not present to present the request.

Public Comment: Mr. Mike Weesner, 118 Sarah Hughes, stated his concerns about putting a commercial sign on a neighborhood lot;
Peter Flanner, 104 Bluebelle spoke on behalf of himself and the owners of 102 and 106 Bluebelle and stated that it was inappropriate and would set precedence for the rest of the city;
Charles Erwin stated he didn't expect as much traffic from that type business as a garage sale gets.

Dr. Horch stated that John DeCarlo contacted him and was not in favor.

Board Secretary Sherri Blair stated that two (2) emails in opposition to the sign had been received and were made a part of the agenda packet.

Motion: Mr. Whitney moved to approve case number 1082, 170 Bluebelle Drive, a Variance to section 14-1-1(B)(D) of the City of Madison Zoning Ordinance, to allow a sign, advertising or display on a single family lot for the purpose of advertising a home based business. The property is currently zoned Medium Density Residential District (R-2). This request is in accordance with Section 10-9 of the Zoning Ordinance. Mr. Lindsey seconded the motion and the vote was as follows:

Fredrick Davey	Nay
John Horch	Nay
Ted Whitney	Nay
Christopher Lindsey	Nay

Motion Failed.

4. **Case # 1083** - 810 Palmer Road, Suite 202 - A Special Exception to Section 4-8-1 of the Zoning Ordinance to allow pet boarding at the proposed grooming and spa facility. The property is currently zoned B-3, General Business District. This request is in accordance with Section 10-8 of the Zoning Ordinance.

Applicant presented the request and stated that there would be 6-12 indoor rooms with no outdoor facility. All pets would weigh less than 30 pounds. She further stated that there will be an 8ft privacy fence around the pet waste area. A special exception had been granted for the same use two other times at this location.

Public Comment: None

Motion: Mr. Whitney moved to approve case number 1083, 810 Palmer Road, Suite 202, a Special Exception to Section 4-8-1 of the Zoning Ordinance to allow pet boarding at the proposed grooming and spa facility. The property is currently zoned B-3, General Business District. This request is in accordance with Section 10-8 of the Zoning Ordinance, as presented. Mr. Davey seconded the motion and the vote was as follows:

Fredrick Davey	Aye
John Horch	Aye
Ted Whitney	Aye
Christopher Lindsey	Aye

Motion Carried.

4. **Case # 1084** - 308 Church Street - A Variance to Section 5-9 of the City of Madison Zoning Ordinance to increase the proportionality of a detached accessory building to the main structure. The property is currently zoned Medium Density Residential District (R-2). This request is in accordance with Section 10-9 of the Zoning Ordinance.

Applicant, Jim Sturdivant, presented his request; gave history and background of the historic structure and stated that he had already received approval from the Madison Station Historic Preservation Commission. He further stated that a gas line runs through the property in a way that prevents the construction of an addition.

Public Comment: None

Motion: Mr. Davey moved to approve case number 1084, 308 Church Street, a Variance to Section 5-9 of the City of Madison Zoning Ordinance to increase the proportionality of a detached accessory building to the main structure. The property is currently zoned Medium Density Residential District (R-2). This request is in accordance with Section 10-9 of the Zoning Ordinance, as presented. Mr. Lindsey seconded the motion and the vote was as follows:

Fredrick Davey	Aye
John Horch	Aye
Ted Whitney	Aye
Christopher Lindsey	Aye

Motion Carried

Other Business

Discussion between board members and staff took place concerning the dismissal of Supernumerary Tim Malueg, for cause. Attorney Butler stated that the Board needed to send a letter to the City Council recommending dismissal and that a public hearing would be held. Mr. Davey stated that he knows Mr. Malueg personally and would speak with him about voluntarily resigning to prevent a formal hearing from taking place.

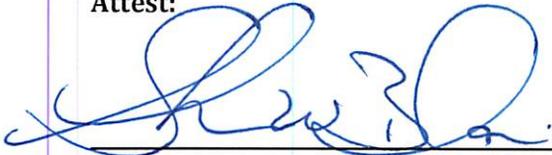
There being no other business, Dr. Horch adjourned the meeting at 6:24P.M.

Approved:



Betty Fletcher, Chairperson

Attest:



Sherri W. Blair, Recording Secretary